

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELCOMMUNICATIONS AND ENERGY

Petition for Zoning Exemption Pursuant to
G.L.c. 40A, § 3 for Salem Harbor Station's
310 CMR 7.29 Emissions Control Project

)
)
)
)
) D.T.E. 03-83

**PETITION OF NEW ENGLAND POWER COMPANY
FOR LEAVE TO INTERVENE**

Pursuant to the Notice issued by the Department of Telecommunications and Energy in the above captioned docket; and pursuant to M.G.L. c. 30A, §10 and the rules of procedure found at 220 C.M.R. 1.00 et seq., New England Power Company ("NEP") hereby petitions for Leave to Intervene in this docket.

In support of this Petition, NEP states the following:

1. NEP is an electric company as defined by M.G.L.A. c. 164, §1. The Department has furthermore found NEP to be a public service corporation in numerous dockets. *See, e.g.,* D.P.U. No. 92-278/279/280 at 2 (1994); D.P.U. No. 92-255 at 2 (1994). NEP's usual place of business is:

New England Power Company
25 Research Drive
Westboro, MA 01582

2. All correspondence concerning this Petition in this matter should be directed to:

Paige Graening, Esq.
Associate Counsel
National Grid USA
25 Research Drive
Westborough, MA 01582

3. USGen New England, Inc. (“USGenNE”), the Petitioner in the captioned docket, is seeking “a comprehensive exemption from the operation of the zoning ordinance of the City of Salem with respect to the potential construction and use of an Emission Control Plan ... (“Project”)... proposed for Salem Harbor Station”.

USGenNE Petition at 1.

4. A portion of the Project will affect the 115kV switchyard at Salem Harbor Station. To-wit:

Transformers and Expansion of Switchyard. The electrical switchyard located to the west of the power house will be expanded to include a new 115 kv switch bay. New 115 kv cable will be installed below grade from the new switch bay to the two new 115 kv/4160 v power transformers that will serve the ECP and will be located within that area.

Id. at 3.

5. The 115 kv Switchyard described above is the sole property of NEP.

6. Pursuant to a generation divestiture transaction approved by the Federal Energy Regulatory Commission in FERC Docket Nos. EC98-1-000 and ER98-6-000 (1998), USGenNE purchased the bulk of NEP’s generation assets including Salem Harbor Station, while NEP retained its associated transmission assets, including the 115 kv Switchyard at Salem Harbor Station.

7. The rights and obligations of USGenNE and NEP vis-à-vis the 115 kv Switchyard are governed by the Continuing Site Agreement dated September 1, 1998. *See* Attachment A.
8. Although USGenNE owns in fee the land underlying the Switchyard, NEP has retained a perpetual easement for the switchyard. *See* Attachment B.
9. NEP has furthermore retained a perpetual easement for transmission purposes in the vicinity of the switchyard. *See* Attachment B.
10. NEP is the wholesale transmission company whose service territory includes the North Shore region of Massachusetts.
11. NEP is currently studying means of improving the reliability of its transmission system in the North Shore region.
12. NEP has identified, among others, transmission system reinforcements that may be made at its 115 kv switchyard at Salem Harbor Station to improve the reliability of the transmission system in the North Shore region.
13. NEP desires to install a new bay and capacitor bank at the 115 kv switchyard to accommodate these reinforcements and thus improve system reliability in the region.
14. USGenNE has filed for a zoning exemption affecting NEP's 115 kv switchyard so that a new bay may be sited for USGenNE's purposes associated with its Project.
15. Although the uses which NEP and USGenNE wish to make of the switchyard are not mutually exclusive, they are distinct and must be coordinated.

16. NEP's transmission system reinforcements at the switchyard can be made up to one year ahead of USGenNE's project.
17. NEP must preserve its contractual rights to use the property at such time as NEP's transmission system reinforcements are ready for installation.
18. NEP and USGenNE must still complete certain contractual agreements to allow USGenNE to use a future bay at the switchyard.
19. NEP's 115 kv Switchyard and its associated property rights are substantially and specifically affected by USGenNE's Petition in this docket.
20. The interests of NEP cannot be adequately represented by any other party to or any limited participant in this proceeding.

Therefore, New England Power Company respectfully petitions the Department for leave to participate as an Intervenor in this proceeding, so that NEP may protect its rights and interests in the 115 kv Switchyard at Salem Harbor Station.

Respectfully Submitted:
NEW ENGLAND POWER COMPANY

s/Paige Graening

By:

Paige Graening, Esq.
National Grid USA
25 Research Drive
Westborough, MA 01582
(508) 389-3074

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Petition for Zoning Exemption Pursuant to
G.L.c. 40A, § 3 for Salem Harbor Station's
310 CMR 7.29 Emissions Control Project

)
)
)
)
)

D.T.E. 03-83

APPEARANCE OF COUNSEL

In the above-entitled proceeding, the following attorney appears for and on behalf
of the New England Power Company.

Paige Graening, Esq.
National Grid USA
25 Research Drive
Westborough, MA 01582
(508) 389-3074

s/Paige Graening

Paige Graening, Esq.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Petition of New England Power Company upon Mary Beth Gentleman, Esquire.

Dated in Westborough, Massachusetts this 14th day of October, 2003.

s/Paige Graening

Paige Graening, Esq.
Associate Counsel
National Grid USA
25 Research Drive
Westborough, MA 01582
(508) 389-3074